

**UNITED STATES DISTRICT COURT**

WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

FILED

Clerk, U.S. District Court  
Western District of Texas

By: 

Deputy

**UNITED STATES OF AMERICA**

vs.

**(1) MARIA MAGDALENA CABRERA-AVELAR**

§  
§  
§  
§  
§

CASE NUMBER: **EP:19-M -00924(1) RFC**

Defendant.

**JUDGMENT IN A CRIMINAL CASE  
(For A Petty Offense) - Short Form**

The defendant, Maria Magdalena Cabrera-Avelar, was represented by counsel, Omar Carmona.

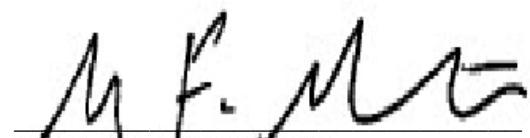
The defendant pled guilty to the complaint on . Accordingly, the defendant is adjudged guilty of the following offense(s):

<b><u>Title &amp; Section</u></b>	<b><u>Nature of Offense</u></b>	<b><u>Date of Offense</u></b>
8 USC 1325(a)(1)	IMPROPER ENTRY BY AN ALIEN	January 29, 2019

As pronounced on , the defendant is hereby committed to the custody of the United States Bureau of Prisions for a term of . The defendant shall remain in custody pending service of sentence.

The special assessment imposed pursuant to 18 U.S.C. § 3013 is hereby remitted pursuant to 18 U.S.C. § 3573 because reasonable efforts to collect this assessment are not likely to be effective.

Signed on this the .



ROBERT F. CASTANEDA  
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

USA

§  
§  
§  
§

Case Number:  
EP:19-M -00924(1)

vs.

(1) MARIA MAGDALENA  
CABRERA-AVELAR

**ORDER APPOINTING COUNSEL**

The above named Defendant has testified under oath, or has otherwise satisfied this court, that he/she is financially unable to obtain counsel and does not wish to waive representation by counsel.

Therefore, in the interest of justice, Omar Carmona, is hereby appointed to represent the defendant in the above-styled and numbered cause.

This appointment shall remain in effect until further order of this court.

It is so ORDERED this 1st day of February, 2019.

  
\_\_\_\_\_  
ROBERT E. CASTANEDA  
UNITED STATES MAGISTRATE JUDGE

**United States District Court**  
**Western District of Texas**  
**El Paso Division**

FILED

Clerk, U.S. District Court  
Western District of Texas

By: V Montoya  
Deputy

**INITIAL APPEARANCE, PLEA AND SENTENCE**

Case Number: EP:19-M -00924(1) RFC

DEFENDANT'S NAME:  
(1) MARIA MAGDALENA CABRERA-AVELAR

ATTY FOR DEFENDANT:  
Carmona, Omar

JUDGE: ROBERT F. CASTANEDA  
DEPUTY CLERK: Veronica Montoya  
COURT REPORTER: ERO

AUSA: CHRIS SKILLERN  
INTERPRETER:  Yes  No  
PROB. OFFICER  
PRETRIAL OFFICER:  
TIME: 37 Minutes 3:04 - 3:41

DATE: \_\_\_\_\_

**PROCEEDINGS**

DFT NO.

[DftNo1]

[DftNo2]

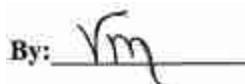
<input checked="" type="checkbox"/>	INITIAL APPEARANCE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	ARRAIGNMENT HELD	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	DFT INFORMED OF RIGHTS/oral consent to plea	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	GUILTY DEFT [DftNo1] COUNT(S): <u>COMPLAINT</u>		
<input checked="" type="checkbox"/>	GUILTY PLEA ACCEPTED BY THE COURT	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Information Filed On _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Motion to Dismiss Complaint filed on _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Court Grants Motion to Dismiss on _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Order Dismissing Complaint entered on _____	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Oral Motion by AUSA to Remit Special Assessment	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Oral Order Granting Oral Motion to Remit Special Assessment	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	SENTENCING HELD: Defendant sentenced to : / <b>NO FINE / SA REMITTED</b>		

OTHER: \_\_\_\_\_

**UNITED STATES DISTRICT COURT**

WESTERN DISTRICT OF TEXAS, EL PASO DIVISION

FILED  
02/01/2019  
Clerk, U.S. District Court  
Western District of Texas

By:   
Deputy

**USA**

vs.

**(1) MARIA MAGDALENA CABRERA-AVELAR**

§

§ CRIMINAL COMPLAINT

§ CASE NUMBER: **EP:19-M-00924(1)**

§

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about **January 29, 2019** in **El Paso** county, in the **WESTERN DISTRICT OF TEXAS** defendant did, being an alien to the United States, knowingly enter and attempt to enter the United States at a time and place other than as designated by immigration officers in violation of Title **8** United States Code, Section(s) **1325(a)(1)**.

I further state that I am a(n) **Border Patrol Agent** and that this complaint is based on the following facts: **"The Defendant, Maria Magdalena CABRERA-Avelar, an alien to the United States and a citizen of Honduras, entered the United States from the Republic of Mexico by crossing the Rio Grande River approximately 0.96 miles west of the Paso Del Norte Port of Entry in El Paso, Texas on January 29, 2019, which is in the Western District of Texas. The place where the Defendant entered is not designated as a Port of Entry by immigration officers."**

Continued on the attached sheet and made a part hereof:

Yes  No



Signature of Complainant  
Portillo, Noe R.  
Border Patrol Agent

Sworn to before me and subscribed in my presence,

02/01/2019  
Date

at EL PASO, Texas  
City and State



Signature of Judicial Officer  
**OATH TELEPHONICALLY SWORN  
AT 1:03 P.M.  
FED.R.CRIM.P.4.1(b)(2)(A)**

ROBERT F. CASTANEDA  
UNITED STATES MAGISTRATE JUDGE

**WESTERN DISTRICT OF TEXAS**

**(1) MARIA MAGDALENA CABRERA-AVELAR**

**FACTS (CONTINUED)**

**Because this affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation.**

The Defendant, Maria Magdalena CABRERA-Avelar, an alien to the United States and a citizen of Honduras, entered the United States from the Republic of Mexico by crossing the Rio Grande River approximately 0.96 miles west of the Paso Del Norte Port of Entry in El Paso, Texas on January 29, 2019, which is in the Western District of Texas. The place where the Defendant entered is not designated as a Port of Entry by immigration officers.

**IMMIGRATION HISTORY:**

**NONE**

**CRIMINAL HISTORY:**

**NONE**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO

USA §  
§  
vs. § Case Number: EP:19-M -00924(1)  
§  
(1) MARIA MAGDALENA §  
CABRERA-AVELAR §

ORDER SETTING INITIAL APPEARANCE/MISD ARRAIGNMENT

IT IS HEREBY ORDERED that the above entitled and numbered case is set for INITIAL APPEARANCE/MISD ARRAIGNMENT, in Magistraterd Courtroom 612, on the 6th Floor of the United States Courthouse, 525 Magoffin Avenue, El Paso, TX, on 02/01/2019.

IT IS FURTHER ORDERED that the Clerk of Court shall send a copy of this order to the defendant, counsel for defendant, the United States Attorney, U.S. Pretrial Services, United States Probation Office, and any surety or custodian, if applicable. Further, counsel for the defendant shall notify the defendant of this setting. If the defendant is on bond, he/she shall be present.

IT IS SO ORDERED this 02/01/2019.



ROBERT F. CASTANEDA  
UNITED STATES MAGISTRATE JUDGE